

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38281 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- BHAPTIAHI District- Supaul

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Arun Mukhiya @ Arun Kumar Son of Sukhdeo Mukhiya Resident of Village-
Gadhiya, Police Station- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 40967 of 2022

Arising Out of PS. Case No.-33 Year-2022 Thana- BHAPTIAHI District- Supaul

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Sanjay Mehta Son of Shiv Narayan Mehta Resident of village- Kalyanpur,
Ward No. 2, P.S- Bhaptiyahi, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 38281 of 2022)

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

(In CRIMINAL MISCELLANEOUS No. 40967 of 2022)

For the Petitioner/s : Mr. Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 27-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with
Bhaptiyahi P.S. Case No. 33 of 2022 lodged under Section 30(a)

of Bihar Prohibition and Excise Act.

As per the prosecution case, total recovery of excise material is 1458 litres Nepali desi sharab has been made in this case.

Learned counsel for the petitioner of the first case submits that it has not been recovered from their conscious possession rather recovery is being made at lonely place in open field. First petitioner is in custody since 29.04.2022, charge sheet has already been filed having 3 criminal antecedent. The second petitioner is in custody since 20.05.2022, charge sheet has already been filed having one criminal antecedent.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let both the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise, Court No.-01, Supaul in connection with Bhaptiyahi P.S. Case No. 33 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall

appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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